

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.MC.No. 1416 of 2007()

CMP.2373/2006 AND CMP.2374 OF 2006 IN CMP 673/06 IN MC NO.549/1999 OF Family Court,
MALAPPURAM.
.....

PETITIONER:

SUBRAMANIAN, S/O.RAVUNNI,
AGED 45 YEARS, AMBADI HOUSE, VADAKKUMGARA,
PERINTHALMANNA TALUK.

BY ADV. SRI.K.P.MUJEEB

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.
2. SANDRA, (MINOR).
3. SAJJU, (MINOR) REPRESENTED BY
MOTHER HEMALATHA, D/O.VASU, AZHAKATHOOR HOUSE,
VANDOOR, NILAMBUR.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1416 of 2007

Dated this the 23rd day of May 2007

O R D E R

The petitioner has suffered an order under Section 125 Cr.P.C directing payment of amounts by way of maintenance to his children. The petitioner has not paid the amounts due obliging the children through their guardian to take steps for recovery, an item of property belonging to the petitioner has been attached. The petitioner wanted the attachment to be lifted. He did not pay the amount. The total amount due is said to be Rs.15,000/-. Instead of paying the amount, he went to the Family Court with a request that there may be a substitution of attachment. According to him, he has another item of property worth Rs.5,00,000/-. He wanted that property to be attached and the attachment over his residential property to be lifted. The learned Judge of the Family Court did not accept the said request. The petitioner claims to be aggrieved by the order and has come before this court with this petition praying that the attachment may be directed to be substituted.

2. I find absolutely no merit in the prayer. The petitioner has substantial affluence on his own sharing. He has an item of property worth Rs.5,00,000/- in addition to the attached property. The amount to be paid is only Rs.15,000/-. He must raise the amount, pay the amount and get the attachment lifted, in accordance with law.

3. This Criminal Miscellaneous Case is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF APRIL 2007